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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ST. FRANCIS MEMORIAL HOSPITAL)
AND FRANKLIN BENEVOLENT)
CORPORATION f/k/a DAVIES MEDICAL)
CENTER,)
Plaintiffs,)
v.)
MICHAEL O. LEAVITT, Secretary,)
U.S. Department of Health and Human)
Services,)
Defendant.)

No. C 08-1440 (MMC)

STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING DEFENDANT'S DEADLINE FOR
FILING AN ANSWER OR OTHER RESPONSE
TO THE COMPLAINT; AND SETTING A
INITIAL CASE MANAGEMENT CONFERENCE

Pursuant to LCvR 6-2 and 7-12, Defendant Michael O. Leavitt, the Secretary of Health and Human Services (“Federal Defendant”) and Plaintiff St. Francis Memorial Hospital and Franklin Benevolent Corporation f/k/a Davies Medical Center (“Plaintiffs”), by and through their undersigned counsel, respectfully stipulate the Court should grant Federal Defendant an enlargement of time, up to and including August 8, 2008, to answer or otherwise respond to Plaintiffs’ Complaint in this action. In addition, the parties stipulate that the initial Case Management Conference in this case shall be scheduled for August 22, 2008. In support of the instant stipulation, the parties state as follows:

1. Plaintiffs initiated this action with the filing of their Complaint on March 13, 2008.

1 2. Plaintiffs effectuated service of the Summons and Complaint in this action by sending them via
2 certified mail on April 2, 2008 to the Secretary of Health and Human Services, the Northern District of
3 California United States Attorney's Office, and the United States Attorney General. Thus, Federal
4 Defendant's response to Plaintiffs' Complaint is currently due on June 4, 2008. See Fed. R. Civ. P. 6(a)
5 (2007 revised ed.), 12(a)(2) (version effective December 1, 2007).

6 3. In this case, Plaintiffs seek judicial review of Medicare administrative decisions pursuant the
7 standards set forth in the Administrative Procedure Act. See 42 U.S.C. § 1395oo(f)(1); Compl. ¶¶ 1-3.
8 Federal Defendant anticipates that the administrative record it is required to compile will be lengthy and
9 complex. The undersigned agency counsel will be absent from the office on scheduled leave from July
10 3-18, 2008. Accordingly, the parties hereby stipulate and agree that Federal Defendant shall be given an
11 enlargement of time up to and including August 8, 2008, within which to answer or otherwise respond to
12 Plaintiff's Complaint.

13 4. The parties also respectfully request that the initial Case Management Conference in this case
14 be scheduled for August 22, 2008 at 10:30 a.m., and that the undersigned attorneys not located in this
15 district be permitted to participate in the Conference via telephone.

16 5. This request is made in good faith and not for purposes of delay.

17 6. Federal Defendant has not previously requested or received an extension of time to respond to
18 Plaintiffs' Complaint.

19 7. There are no other previously scheduled deadlines in this case.

21 ACCORDINGLY, THE PARTIES hereby stipulate and agree that:

22 (1) Federal Defendant shall have until August 8, 2008 to file and serve a pleading responsive to
23 Plaintiffs' Complaint in this action; and

24 (2) The initial Case Management Conference in this case shall be scheduled for August 22, 2008 at

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1 10:30 a.m., and the undersigned attorneys not located in this district be permitted to participate in the
2 Conference via telephone.

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4 Respectfully submitted,

5 LAW OFFICES OF GARY E. GLEICHER

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/s/

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Dated: June 2, 2008 _____

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19 PURSUANT TO STIPULATION, IT IS SO ORDERED, with the exception that all counsel shall appear
20 by telephone at the August 22, 2008 Case Management Conference.
21 Dated: June 5, 2008 _____


MAXINE M. CHESNEY
United States District Judge

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